

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DOCKET NO. 04-10299-23-PBS

UNITED STATES OF AMERICA

v.

LUIS E. DEJESUS a/k/a/ EDGARDO

NOW COMES the defendant, Luis DeJesus, by his attorney, John W. Laymon, and requests that this Court continue his sentencing from May 25, 2006 until August 10, 2006.¹

As grounds for this motion the defendant, his counsel, and the United States Attorney's Office has recently discovered that Mr. DeJesus could be classified as a career offender. Thus, he could be sentenced under the Federal Sentencing Guidelines up to 261 months, instead of the previous mandatory guideline sentence of 60 months. Following this disclosure, the undersigned and the attorney who represented him in his state court cases endeavored to determine if his prior offenses resulted in guilty findings. We have determined from the docket sheets that the two conspiracy charges were filed without a change of plea to guilty. (See paragraph 95 and 96 of the Pre-Sentence Report). We are now investigating the possibility that the remaining guilty pleas were the result of the Superior Court's failure to properly advise him of all of his Constitutional Rights. Or in the alternative, U.S. Probation Department's calculation and classification as a career offender is incorrect, based upon defendant's prior criminal record.

Giving the issues raised by the U.S. Probation Department's sentencing calculation, it would be in the interest of justice that this Court continue defendant's

¹ It should be noted that the sentencing for Manuel Germosen, a co-defendant is scheduled for that date.

sentencing date to August 10, 2006, in order that counsel may further investigate his prior criminal record.

Respectfully submitted,
Luis DeJesus
By his attorney

/s/ John W. Laymon
Law Offices of John W. Laymon
77 Franklin Street 3rd Floor
Boston, MA 02109
617-338-0089
BBO#489260
jwlaylaw@verizon.net

Certificate of Service

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the 19th day of May, 2006.

/s/ John W. Laymon, Esq.